

# EXHIBIT C

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023

1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3 CIVIL ACTION NO.: 1:21-CV-11007-DJC

4  
5 THOMAS R. AHERN,  
6 Plaintiff,  
7 vs.;  
8 SIG SAUER, INC., and CITY  
9 OF CAMBRIDGE,  
10 Defendants.

11  
12  
13  
14 DEPOSITION OF  
15 LEONARD DIPIETRO  
16 October 12, 2023  
17 10:07 a.m.

18  
19 DONNELLY, CONROY & GELHAAR, LLP  
20 260 Franklin Street, Suite 1600  
Boston, Massachusetts 02110

21  
22  
23 Raymond Doan  
24 Digital Reporter  
Commission Expires: November 16, 2029

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
11

1 2019?

2 A. Oh, at least, yes.

3 Q. Okay. When did those Monday morning case  
4 meetings start?

5 A. Somewhere around the beginning of 2018. When  
6 I assumed that position, I did an assessment of the  
7 criminal investigation section and felt that this was a  
8 necessary step that we needed to take.

9 Q. And during those case meetings, can you walk  
10 me through what you would discuss with  
11 Lieutenant Ahern?

12 A. With Lieutenant Ahern, specifically, not the  
13 whole criminal investigation section?

14 Q. Sure.

15 A. I would check with him to make sure that he  
16 had knowledge of all the reports that were coming in  
17 for the day, which he did, and discussed the  
18 supervisory responsibilities that we had of those  
19 individual cases.

20 Q. And what was your impression of  
21 Lieutenant Ahern during these meetings?

22 A. Lieutenant Ahern was an excellent supervisor  
23 of the police work that we were performing.

24 Q. Can you walk me through the reasons that he

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
12

1 was an excellent supervisor?

2 A. He had a very high police IQ.

3 Q. What does that mean, a high police IQ?

4 A. He knew his job extremely well. He was  
5 knowledgeable in the law.

6 Q. And did you ever have social interactions  
7 with Lieutenant Ahern outside of work?

8 A. I'm sure, at some event that was outside of  
9 work, both Tom and I would have been present together.  
10 I can't recall when, where or --

11 Q. But you weren't having family dinners with  
12 him?

13 A. No.

14 Q. For example, you -- you would see him at work  
15 events, but not anything beyond that?

16 MR. MCKENDRY: Objection to form.

17 You can answer.

18 THE WITNESS: Not that I can recall, no.

19 BY MS. PASCUCCI:

20 Q. And when did you -- when was it that Tom  
21 started working for you? Would that have been in 2017,  
22 when you became deputy -- when you became deputy  
23 superintendent?

24 A. He was already in that position, I believe,

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023

21

1 discharge in May of 2019, were you aware of concerns  
2 among Cambridge Police Department officers as to CPD's  
3 adoption of the P320?

4 A. No.

5 Q. Prior to May 2019, did Lieutenant Ahern ever  
6 tell you about his concerns with the P320?

7 A. I don't recall him ever having that  
8 conversation with me prior to 2019.

9 Q. Prior to May 2019, were you aware that he did  
10 have concerns as to the P320?

11 A. No.

12 Q. Okay. After May 2019, did Lieutenant Ahern  
13 ever tell you about his concerns with the P320?

14 A. Yes.

15 Q. And tell me about those conversations.

16 A. That this P320 had these unintentional  
17 discharges that were taking place in -- excuse me -- in  
18 several different places. And if I can recall his  
19 words, the gun was unsafe.

20 Q. When did he tell you this?

21 A. I don't recall when.

22 Q. Where were you when he told you this?

23 A. Could have been my office. It could have  
24 been his office. It could have been in the conference

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
22

1 room.

2 Q. Would he have shared anything with you at  
3 out-of-work events?

4 A. Not that I recall.

5 Q. And how many times did he bring up his  
6 concerns about the P320?

7 A. Many times.

8 Q. If you can estimate, how frequently?

9 A. I cannot.

10 Q. Okay. Did he bring up his concerns with  
11 others as well?

12 A. Yes.

13 Q. Who?

14 A. I can't speak to actual names. I would say  
15 anyone that would listen.

16 Q. And what's your basis for saying "anyone that  
17 would listen"?

18 A. After the incident, he was very likely to  
19 bring up the fact that the firearm was -- there was a  
20 problem with the firearm and the safety of it.

21 Q. What was your reaction to his concerns?

22 A. I understood his reasoning because of the  
23 various events that had taken place surrounding this  
24 weapon, social media, and even television reporting

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
23

1 about the firearm and my own concern about the firearm.

2 Q. When you mentioned your own concern about the  
3 firearm, what's that?

4 A. That I was carrying this firearm that  
5 reportedly had problems. So there was a personal  
6 concern.

7 Q. Were you worried about carrying the gun  
8 chambered?

9 A. No.

10 Q. And did you do any research into the -- into  
11 the problems that Lieutenant Ahern had brought up with  
12 you?

13 A. I read the social media blogs or whatever you  
14 call them, watched the television reporting.

15 Q. And you had said earlier that he would bring  
16 up his concerns with anyone that would listen.

17 A. Not I brought them up, he brought them up.

18 Q. Oh, no. That he brought them up, that's what  
19 I meant to say. I misstated if I said that it was you.

20 A. That's okay.

21 Q. How frequently was he having these  
22 conversations around the station?

23 A. I can't speak to that.

24 Q. Okay. And what was the response among other

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
24

1 officers, other staff within the station?

2 A. I can't speak to their concerns.

3 Q. Was there ever a feeling of frustration that  
4 Lieutenant Ahern -- that he was bringing up these  
5 concerns?

6 A. Can you repeat that?

7 Q. Was there ever a feeling of frustration that  
8 Lieutenant Ahern was repeatedly bringing up these  
9 concerns about the firearm?

10 A. I would not use the word frustration, no.

11 Q. Well, what word would you use? What was the,  
12 you know, general feeling?

13 A. That after the incident, that he should just  
14 keep his comments to a minimum --

15 Q. Why is it (crosstalk) -- oh, I'm sorry. I  
16 cut you off.

17 A. -- seeing that he was facing a disciplinary  
18 action.

19 Q. And why should he keep his comments to a  
20 minimum?

21 A. It's just a good idea.

22 Q. Why was it a good idea?

23 A. Anytime you're involved in a disciplinary  
24 action, you should just keep things to yourself.

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
25

1 Q. Why is that, why should you keep things to  
2 yourself during a disciplinary action?

3 A. If there's a current investigation, it should  
4 not be discussed, and the person under the  
5 investigation should keep their comments to themselves.

6 Q. Do you think there was any concern at  
7 Cambridge Police Department what -- I'll withdraw the  
8 question.

9 Were you aware that CNN had contacted  
10 Cambridge Police Department in 2018 regarding its  
11 adoption of the P320?

12 A. No.

13 Q. You were aware, however, of social media and  
14 news articles about the P320?

15 A. Yes.

16 Q. Were you concerned about --

17 A. Oh, sorry. Can you repeat that? I might  
18 want to --

19 Q. Sure.

20 A. -- change my answer there.

21 Q. You mentioned earlier having read news  
22 articles about the P320, correct?

23 A. Yes.

24 Q. You had -- so you were aware that there were

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
26

1 news articles about the P320?

2 A. Yes.

3 Q. Do you think there would have been concern at  
4 Cambridge Police Department about the news media's  
5 reaction to CPD having a gun that was susceptible to  
6 unintentional discharges?

7 A. Yes.

8 Q. And what would that concern have been?

9 A. That the City of Cambridge purchased the  
10 firearm that was defective, and how does that look for  
11 the Cambridge Police Department.

12 Q. Did anyone discuss those concerns?

13 A. Not to me.

14 Q. And what's your basis for saying that there  
15 would have been that concern about public reaction to  
16 having the P320?

17 A. Social media.

18 Q. And you mentioned earlier your concerns  
19 regarding the P320. Could a gun that is susceptible to  
20 unintentional discharge put officers in danger?

21 MR. MCKENDRY: Objection.

22 THE WITNESS: Do I still have to answer?

23 MS. PASCUCCI: Yes, yes, yes.

24 MR. MCKENDRY: You can answer it, yes.

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
46

1 case management meeting in the morning. We held our  
2 case management meeting, discussed the case, the  
3 weekend's cases, and it was common practice for the --  
4 the supervisory staff to remain in the room after, so  
5 that we could discuss the cases amongst ourselves going  
6 forward, and that was the topic of conversation.

7 Q. Was anyone else in the room at that point  
8 that you're having -- that you're -- that that's the  
9 topic of conversation, besides you,  
10 Superintendent Demarco and Lieutenant Murphy?

11 A. Sergeant Murphy.

12 Q. Or Sergeant Murphy. Thank you.

13 A. At that time, no. At that moment, no.

14 Q. What were you guys saying about the incident?

15 A. Just what had happened, cop talk. The relief  
16 that no one got hurt. How did it happen, what actually  
17 took place? Who was there, who responded? Why wasn't  
18 I called? There were other command staff members,  
19 supervisory officers at the time that were present,  
20 but --

21 Q. You said, "Why wasn't I called?" Why -- why  
22 did that come up?

23 A. I raised it.

24 Q. And why did you raise it?

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
47

1 A. As a deputy superintendent, you're in 24/7.  
2 And it is my opinion, as commanding officer of the  
3 officer that was involved, I would have appreciated a  
4 phone call after this happened.

5 Q. Would you have expected to receive a phone  
6 call?

7 A. Yes.

8 Q. In the past, if something like this had  
9 occurred, had you received phone calls?

10 A. Nothing like this has happened before.

11 Q. Would you say that not receiving a phone  
12 call, it was taken out of the proper chain of command?

13 MR. MCKENDRY: Objection.

14 THE WITNESS: No, because there was a deputy  
15 superintendent that was present that day as the  
16 commanding officer at the Mayfair.

17 BY MS. PASCUCCI:

18 Q. Who was that?

19 A. Deputy Superintendent Lowe.

20 Q. Okay. You said nothing like this had  
21 happened at that -- I may be misstating it. I believe  
22 you said something -- nothing like this had happened  
23 before during your time.

24 A. No.

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
48

1 Q. But if there -- you know, if an officer who's  
2 under your command had, say, a car accident or another  
3 event leading to a staff investigation, had you been  
4 called in the past when that happened?

5 A. Not always, no.

6 Q. So you're in the morning meeting, you're  
7 discussing the -- the morning meeting's elapsed, you're  
8 discussing what happened. At some point, does  
9 Officer Ferreira come into the room?

10 A. Lieutenant Ferreira, yes.

11 Q. Then Lieutenant Ferreira, thank you. And  
12 what does he say when he comes into the room?

13 A. Lieutenant Ferreira was assigned to PSU at  
14 the time, so I assumed he had the investigation. And  
15 he made a comment -- I might not remember exactly the  
16 words he used, but something to the effect is, "We have  
17 to find him responsible for this."

18 Q. Did you know, at the time, that  
19 Sergeant Murphy had been investigating the incident?

20 A. No.

21 Q. When -- it's Lieutenant Ferreira at the time?

22 A. Yes.

23 Q. When Lieutenant Ferreira said, "We have to  
24 find him responsible," how did you respond?

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
49

1 MR. MCKENDRY: You can answer.

2 THE WITNESS: No, I meant, like -- yeah, no.

3 I --

4 MR. MCKENDRY: You can answer.

5 THE WITNESS: I -- I responded very  
6 sarcastically.

7 BY MS. PASCUCCI:

8 Q. And what did you say?

9 A. "Why don't we take him out back and shoot  
10 him, and then give him a fair trial?"

11 Q. And what did Lieutenant Ferreira say in  
12 response?

13 A. I think he chuckled.

14 Q. Why did you say that?

15 A. Because there's a process that we follow, and  
16 we don't break those processes. We follow the rules of  
17 investigation. An incident took place, a very tragic  
18 incident took place or could have been tragic. It was  
19 a bad incident. And the -- and we needed to do our due  
20 diligence in the investigation to assign it out and  
21 conduct a thorough, complete investigation as to what  
22 happened.

23 Many -- what really happened in the bread  
24 truck that day needed to be investigated. Witnesses

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
50

1 had to be interviewed. Statements had to be collected.  
2 Evidence had to be collected. There's a process. We  
3 should not be breaking from that process and rushing to  
4 a finding without that process first being conducted.

5 Q. At the time that Lieutenant Ferreira made  
6 that comment, had that process been conducted?

7 A. I don't know if -- I doubt it. It was less  
8 than 24 hours later. This was going to take a lot of  
9 work, a lot of time, a lot of investigating, a lot of  
10 people to interview. Ballistics, the -- the firearm  
11 itself had to be investigated. It had to be  
12 forensically checked. I mean, there were lots of  
13 things swirling around that you start thinking of when  
14 something like this happens.

15 And, of course, has anyone spoken with those  
16 individuals that were in the bread truck that day, and  
17 Tom and everyone involved, as to their -- their  
18 feelings, their -- their mental concerns? They were  
19 just involved in a tragic incident, also. So we had an  
20 issue with -- their mental health was a concern, too.  
21 So we have stress team officers and such.

22 And, you know, like, when you're a  
23 supervisor, especially at the rank of superintendent,  
24 you have other responsibilities, that you have to kind

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
51

1 of really look at the big picture, not so narrow. And  
2 that's what I was seeing right then and there. It was  
3 very narrow.

4 I had my opinions as to what took place that  
5 day and everything else, but let's pump the brakes.  
6 You know, that's a common term, but I always used "slow  
7 down." I used that with my detectives when we had an  
8 investigation, "slow down," especially involving  
9 different kinds of investigations that were being  
10 conducted. "Slow down, do your due diligence. Do the  
11 investigation. We're not rushing off here. There's no  
12 need to rush to any kind of judgment today."

13 Q. When Lieutenant Ferreira made the comment of  
14 "We have to find him responsible," if you know, did he  
15 see Sergeant Murphy at that time?

16 MR. MCKENDRY: Objection.

17 You can answer.

18 THE WITNESS: I don't know if he saw him, no.  
19 BY MS. PASCUCCI:

20 Q. Did he appear surprised at all when he saw  
21 Sergeant Murphy in the room?

22 A. Yes.

23 Q. And can you describe that to me?

24 A. He was standing at the doorway, I think kind

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
52

1 of -- he was outside standing at the doorway, and then  
2 he kind of looked in, surprised.

3 Q. From outside the doorway -- can you tell me  
4 how the room was arranged at that point?

5 A. Door leads in, table runs north to south,  
6 long table, and I normally sat at the head of the  
7 table. Superintendent Demarco always sat to my left,  
8 and Sergeant Murphy was to the right, almost in the  
9 corner.

10 Q. So when -- so when Lieutenant Ferreira was at  
11 the door, he would have seen you at the head of the  
12 table, correct?

13 A. I hope so.

14 Q. Would he -- did you have a straight -- did  
15 you have a straight shot at him, seeing him?

16 A. No, he had a straight shot at me.

17 Q. Okay.

18 A. My back was to him.

19 Q. Okay. Got it. Okay. And would he have seen  
20 Demarco -- would have been then Superintendent  
21 Demarco --

22 A. Yes.

23 Q. -- at your left?

24 A. He couldn't have missed him. He had a

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
53

1 straight shot at him.

2 Q. And where was Lieutenant Murphy in relation  
3 to --

4 A. Sergeant Murphy was off to the right.

5 Q. Sergeant Murphy. I'm sorry.

6 A. He might -- like I said, he might have been  
7 sitting at the table. He could have been sitting in  
8 the corner, literally in the corner. I don't recall  
9 exactly where he was.

10 Q. So when Lieutenant Ferreira puts his head in  
11 and sees Murphy, he appears surprised?

12 A. I -- I don't want to put -- I can't speak to  
13 his surprise or not surprise, or just -- I don't -- I  
14 know he didn't see him initially.

15 Q. Okay. And -- but you said that he appeared.  
16 What was the expression on his face when he did see  
17 him?

18 A. His eyes didn't bulge, his mouth didn't  
19 change shape or anything like that. He just kind of  
20 glanced at him, like, there's another person in the  
21 room.

22 Q. What does he say at the point that he sees  
23 Sergeant Murphy?

24 A. I don't believe he said anything. I can't --

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
54

1 I really don't recall him saying anything else at that  
2 time.

3 Q. Did you -- at some point, did you say  
4 something to the effect of "Why don't we tell Joe"?

5 A. Why don't I tell Joe?

6 Q. Or "Why don't you tell Joe"?

7 A. I don't recall that.

8 Q. Okay. What else was said at that point in  
9 the -- at the meeting?

10 A. What else was said?

11 Q. Yes.

12 A. Superintendent Demarco did say, "Lenny, you  
13 have to find him responsible." And again, my response  
14 was "Guys, we need to slow down, slow down." I think  
15 at that point, I may have made the comment, "We know he  
16 had -- he had the firearm out of his holster. Let's  
17 deal with that."

18 Q. When Superintendent Demarco said, "Lenny, you  
19 have to find him responsible," he was talking to you,  
20 correct?

21 A. Correct.

22 Q. And do you remember precisely what he said?

23 A. Not precisely. I was probably still being  
24 sarcastic at that moment, because I felt we needed to

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
62

1 to be completed, almost like a packet.

2 I -- I could draw a better conclusion or  
3 reference -- excuse me -- regarding a department motor  
4 vehicle involved in an accident. There are certain  
5 reports that have to be made out. The packet actually  
6 has a template on the -- attached to the outside  
7 envelope. There's, like, seven documents that have to  
8 be made out before it's completed.

9 And what's odd is that the officer tasked  
10 with that does make a recommendation. That  
11 recommendation is that officer's recommendation. It  
12 doesn't mean that that's the final recommendation.  
13 That's just the officer tasked with that initial report  
14 and the completion of the requirements of that report.

15 Q. Okay. So to make sure I understand, here we  
16 have a discharge of a firearm. So in addition to an  
17 investigation, there has to be an incident report just  
18 based on the discharge of a firearm?

19 A. Correct.

20 Q. Okay. And Sergeant Murphy would have been  
21 tasked with doing that incident report?

22 A. He was tasked with that --

23 Q. Okay.

24 A. -- I -- not should have been. That's a

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
63

1 different story. Sergeant Murphy was junior to  
2 Lieutenant Ahern. I would have rather have seen a  
3 higher-ranking officer perform that task or at least  
4 one of equal rank.

5 Q. Do you know why it was that Sergeant Murphy  
6 was (crosstalk) --

7 A. I cannot answer that question. The people  
8 there made that decision that day.

9 Q. When you say "people there," do you mean  
10 people on the scene?

11 A. The supervisors that were on the scene, the  
12 deputy superintendent.

13 Q. Would that have been Superintendent Lowe?

14 A. Deputy Superintendent Lowe, yes.

15 Q. Deputy Superintendent Lowe. Thank you.  
16 Okay. So Sergeant Murphy, he was assigned to doing the  
17 incident report, and it sounds like he was also  
18 collecting evidence and creating a report with respect  
19 to the staff investigation, correct?

20 A. I don't know about that. He was conducting a  
21 detailed report. Again, who was there, evidence,  
22 statements, possibly. Again, to complete the incident  
23 report, not the PSU staff investigation.

24 Q. Okay. So you understood that -- that

LEONARD DIPIETRO  
AHERN vs SIG SAUER, INC., ET AL.

October 12, 2023  
79

1 MR. MCKENDRY: Objection.

2 THE WITNESS: We needed to investigate all  
3 the circumstances of this incident.

4 BY MS. PASCUCCI:

5 Q. And when you say you needed to look at the  
6 circumstances, does that mean you needed to understand  
7 why the gun was taken out of the holster?

8 A. Yes.

9 Q. And is that something that you would consider  
10 in determining whether it was improper to take the gun  
11 out of the holster?

12 A. Yes.

13 Q. In other words, the reason that  
14 Lieutenant Ahern took it out of the holster would  
15 affect whether it was improper to take it out of the  
16 holster, correct?

17 A. Yes.

18 Q. Okay. So -- and how many conversations did  
19 you have with Sergeant Murphy about the investigation?

20 A. Not many. Formal -- formal conversations  
21 regarding any required staff work that he was given,  
22 very, very little for the purpose of the investigation  
23 being conducted independently by PSU.

24 Q. Can you explain what you mean by that?